IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 15356 of 2004(C)

PETITIONER:

FREDERIC GEORGE, AGED 49 YEARS,
S/O. GEORGE, JUNIOR ENGINEER (CE)
FOOD CORPORATION OF INDIA, PAYYANNUR.

BY ADV. SRI.P.V.MOHANAN
SRI.M.K.KUNHIKANNAN

RESPONDENTS:
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1. THE REGIONAL MANAGER,
FOOD CORPORATION OF INDIA,
THIRUVANANTHAPURAM.

2. THE ZONAL MANAGER, FOOD CORPORATION
OF INDIA, ZONAL OFFICE, CHENNAI.

BY ADV. SRI.P.JACOB VARGHESE, SC, FCI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 15356/2004 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROCEEDINGS NO. 1558/93/ESTT.I, DT. 20/3/93.

EXT.P2. COPY OF THE SENIORITY (CIVIL) AS ON 31/12/2000 OF SOUTH ZONE.

EXT.P3. COPY OF THE PROCEEDINGS NO. 503/2001/ESTT. I DT. 11//12/2001.

EXT.P4. COPY OF THE PROCEEDINGS NO. ESTT.2(1)/2002/VOL II DT. 21/12/2002.

EXT.P5. COPY OF THE PROCEEDINGS NO. G.O. NO. 575/2003/ESTT.I/DATED 19/12/2003.

True copy

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KURIAN JOSEPH, J.

W.P(C)No. 15356 of 2004

Dated this the 14th day of June, 2007

JUDGMENT

The writ petition is filed with the following prayer:-

> i) To direct the respondents to promote the petitioner to the post of Assistant Manager (Civil) with effect from 09-10-2003, the date on which the petitioner's juniors are promoted as evidenced by Ext.P4 with all consequential benefits.

It is submitted that in view of the decision in State of Kerala v. N.M.Thomas, AIR 1976 SC 490, the petitioner is entitled to succeed. Since the petitioner has sought for a writ of mandamus it is for the petitioner to first approach the competent authority in which case the matter will be duly considered by the said authority, with notice to the petitioner, within a period of four months from the date of receipt of the representation.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.